

CHAPTER 48-12-02.1
CATEGORY 3 SPECIES

Section

48-12-02.1-01

Housing, Handling, and Health Requirements

48-12-02.1-01. Housing, handling, and health requirements.

1. All wild species of the family suidae (hogs and pigs) except swine considered domestic in North Dakota by the board of animal health.
 - a. Housing requirements (perimeter fence aboveground) and confinement or holding area:
 - (1) A perimeter fence at least six feet tall must be present.
 - (2) Twelve-gauge or stronger mesh is required and must be no greater than three inches by four inches.
 - (3) Four inch diameter treated posts or two inch steel pipe must be no more than eight feet apart. Posts must be set three feet deep.
 - (4) Fence must be attached on the inside.
 - (5) Two electric wires must be six inches inside the fence.
 - (a) The first wire must be six to eight inches above the ground.
 - (b) The second wire must be eight to twelve inches above the first wire.
 - (c) Generator backup is required.
 - (d) Snow that could affect the integrity of the fence must be removed before animals are allowed into the enclosure.
 - (e) An electric fence must be maintained in working order and be kept clear of foliage and debris.
 - (6) If a wooden structure is used, posts must be no more than eight feet apart with a gap no more than four inches between planks, except that if young pigs are present, the fencing gaps must be no more than two inches.
 - (7) In the confinement area, an underground fence must be constructed with concrete or imperviable surface comparable to concrete that meets the following requirements:

- (a) Same strength as perimeter fence.
 - (b) Buried two feet below ground.
 - (c) Three feet angled forty-five degrees toward interior of enclosure.
 - (d) Four to six inches aboveground overlapped and attached to aboveground fence to monitor and ensure proper connection.
- b. Gates in confinement area must meet the following requirements:
 - (1) A gate at least six feet tall must be present.
 - (2) Any gaps must be less than four inches between the gate and ground, except that if young pigs are present, the fencing gaps must be no more than two inches.
 - (3) An electric wire must span across the gate. The electric fence must be constructed of twelve-gauge wire and consist of a minimum of a two joules charge.
 - (4) An underground fence must span the gate opening and must anchor the gating to the ground with a two-inch steel pipe or equivalent.
- c. Importation requirements for all wild species of the family suidae (hogs and pigs) except swine considered domestic in North Dakota by the board of animal health.
 - (1) A health certificate and import permit from the board.
 - (2) All suidae must have a negative pseudorabies serologic test approved by the state veterinarian within thirty days prior to entry into North Dakota.
 - (3) A negative brucellosis test within thirty days of importation.
- 2. Large felids and felid hybrids (mountain lion, jaguar, leopard, lion, tiger, and cheetah):
 - a. All large felids that are in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
 - b. Housing requirements for all large felids:

- (1) Large felids must be maintained in enclosures utilizing thick laminated safety glass, bars, or sturdy wire or in large outdoor exhibits employing barriers to separate animals and the public.
- (2) A cage for a single animal must measure at least twenty feet wide by fifteen feet deep.
- (3) Cages must be fifty percent larger per additional animal.
- (4) All enclosures must have smaller shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages must measure at least eight feet by eight feet.
- (5) All enclosures must be made of steel chain link fencing of at least twelve-gauge strength, or material of adequate strength as approved by the state veterinarian, fastened to a cement floor. If a dirt floor is used, an underfencing must extend at least forty-two inches into the pen. The underfencing must be covered with adequate layers of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
- (6) A guard rail or natural barrier must be in place that is at least three feet in height, providing a minimum of a four-foot distance between the enclosure and people in areas where people other than the owner or handler have access to the enclosure.
- (7) A perimeter fence at least eight feet high and at least four feet from the primary enclosure must be in place to keep animals and persons out of the enclosure and to act as a secondary security measure should an animal escape.

c. Additional housing requirements for very large pantherids (lions and tigers):

- (1) Outdoor cages must have vertical walls at least sixteen feet high, or thirteen feet high with a minimum three-foot overhang, or be provided with tops at least ten feet high.
- (2) The owner of these species must provide raised shelves or ledges for sleeping and resting and large logs for claw sharpening.

d. Additional housing requirements for cheetahs:

- (1) All cages must have vertical walls at least eight feet high.

- e. Additional housing requirements for other large felids (leopards, jaguars, and mountain lions (pumas or cougars)):
 - (1) These species should be furnished with elevated ledges or perches for sleeping and resting and be provided wood logs or other such materials.
 - (2) All enclosures housing leopards and jaguars, whether indoors or outdoors must have secure tops.
 - (3) An outdoor cage housing mountain lions must be at least eight feet high with an additional overhang of fencing angling into the pen at least three feet or six feet high with a ceiling.
- f. Importation for all large felids requires a health certificate and import permit from the board.

3. Bears.

- a. All bears, which are in the presence of persons other than the owner, handler, or immediate family, must be under the direct control and supervision of the owner or handler at all times.
- b. Housing requirements for all bears:
 - (1) Bears may be maintained in outdoor enclosures employing barriers, thick laminated safety glass, or bars. When used, dry moats must be at least twelve feet wide and twelve feet deep.
 - (2) Enclosures must include a dry resting and social area, pool, and den.
 - (3) The use of electric wires is recommended to discourage fence climbing. The climbing ability of certain bear species must not be underestimated.
 - (4) In addition to the primary enclosure:
 - (a) Den space for a single bear must measure at least six feet in width and depth and be at least five feet in height.
 - (b) Visual barriers such as logs or boulders should be added to enclosures housing more than one animal.
 - (c) There must be adequate shade provided to simultaneously accommodate all individuals housed within the enclosure.

- (d) All enclosures must have smaller shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages must be at least eight feet by eight feet.
 - (5) Fences for all species must be fastened to a cement floor, or if a dirt floor is used, underfencing with a strength equal to the primary fencing must extend at least forty-two inches into the pen.
 - (6) The underfencing must be covered with a minimum of two feet of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
 - c. Additional housing requirements for polar bears, brown bears, and grizzly bears:
 - (1) If vertical walls are used as a primary barrier, they must be at least twelve feet high.
 - (2) All enclosures must have adjoining facilities to permit safe cleaning and additional separation.
 - (3) The dry resting and social area for one or two adult bears must measure at least four hundred square feet with an additional forty square feet provided for each additional bear.
 - (4) Fencing must be a minimum of four-gauge steel chain link or equivalent.
 - d. Additional housing requirements for American black bears, Asiatic black bears, sloth bears, spectacled bear, and sun bears:
 - (1) Three hundred square feet of dry resting and social space must be provided for one or two animals and be increased by fifty percent for each additional animal.
 - (2) Fencing must be minimum of nine-gauge steel chain link or equivalent.
 - (3) Fencing height must be a minimum of ten feet with a top or twelve feet with an additional three-foot overhang.
 - e. Importation requirements for all bears are a health certificate and import permit from the board.
4. Wolves and wolf-hybrids.

- a. Any wolf or wolf-hybrid that is in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
- b. Outdoor housing or holding facility requirements for wolves and wolf-hybrids:
 - (1) Minimum floor space per animal must be two hundred square feet and floor space must be increased by one hundred square feet for each additional animal. The enclosure must be at least eight feet high with an additional overhang of fencing angling into the pen or six feet high with a ceiling.
 - (2) The enclosure must be made of steel chain link fencing of at least twelve-gauge strength, or fencing of adequate strength as approved by the state veterinarian, fastened to a cement floor. If a dirt floor is used, underfencing must extend at least forty-two inches into the pen. The underfencing must be covered with adequate layers of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
 - (3) Gates must have locks to prevent unauthorized entry of individuals.
 - (4) Shade and shelter from elements and inclement weather must be provided.
 - (5) A perimeter fence meeting the requirements of title 9, Code of Federal Regulations, sections 3.75, 3.77, and 3.78, must be required if the animal is kept within the city limits or other populated areas as determined by the state veterinarian.
- c. Importation requirements for wolves and wolf-hybrids:
 - (1) A health certificate and import permit from the board.
 - (2) A statement on the health certificate that the animal has not been exposed to rabies.
 - (3) The animal cannot be imported from an area that is quarantined for rabies, unless approved by the state veterinarian.

5. Venomous reptiles.

- a. A license to possess a venomous reptile will only be issued if the applicant seeking the nontraditional livestock license demonstrates an educational purpose for and the ability to appropriately house,

feed, care for, handle, and if necessary dispose of the reptile. An educational purpose includes research and displays at schools, institutions of higher education, wildlife preserves, zoos, and other bona fide educational displays approved by the state veterinarian.

- b. The permittee must provide documentation to the state veterinarian of the permittee's experience with these types of animals and the permittee's ability to safely maintain and control the animals.
- c. Premises where venomous reptiles are kept on display to the public must be posted with a notice clearly and conspicuously posted to provide the location of the nearest, most readily available source of appropriate antivenin and a written plan of action in the event of a venomous reptile bite. This plan of action must receive the written approval of a local medical facility, and a copy of the plan of action and the approval of the medical facility must be provided to the board. The person possessing the venomous reptile must arrange for appropriate antivenin to be readily available through a local hospital, the name, address, and telephone number of which must be affixed to the enclosure.
- d. Written animal escape emergency procedures must be clearly and conspicuously posted in the building housing these snakes and must be supplied to the board at the time the permit application is initially submitted.
- e. Written notice of the presence on the premises of venomous reptiles must be provided to the local police, firefighters, and emergency medical personnel, including an identification of the animals possessed and the location of the animals within the premises.
- f. If a venomous reptile is transported or removed from its primary enclosure for feeding or in order to clean the enclosure, the reptile must be kept in a fully enclosed container with a secure and locked lid which has air holes or other means of ventilation.
- g. Snake hooks must be present for caring for venomous snakes.
- h. The permittee must telephonically notify the board of any reptile bite on humans or escapes of any reptiles within twenty-four hours and provide a written report of the incident to the board within seven days.
- i. Housing requirements for venomous reptiles:
 - (1) An enclosure or container containing venomous reptiles must be clearly labeled as "Venomous" and be labeled with the

common and scientific name of the species as well as the number of animals contained inside.

- (2) All venomous reptiles in captivity must be kept in a cage or in a safety glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animal's escape and with double walls sufficient to prevent penetration of fangs to the outside. All enclosures and access to them must be locked.

- j. Importation for venomous reptiles requires a health certificate and import permit from the board.

6. Primates:

- a. Any primate which is in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.

- b. General housing requirements for primates:

- (1) All primate housing must comply with title 9, Code of Federal Regulations, section 3.75.
- (2) Primates must have a dedicated area, such as a room or cage-type enclosure, separate from other living areas of human occupants. Such an area will be considered a primary enclosure.

- c. Space requirements for primates:

- (1) Indoor primate enclosures must be at least two square feet per pound of adult body weight per animal. This figure must be increased by fifty percent for each additional animal. The height of the primate enclosure must be at least four times taller than the animal's body length.
- (2) Primates kept outdoors must have a dedicated enclosure, which must include a roof, shelter from the elements, fence, and a lock on the enclosure. The dimensions of the outdoor enclosure must be at least as large as required for the indoor enclosure. There must also be a perimeter fence.

- d. Importation for primates requires a health certificate signed by a licensed and accredited veterinarian and an importation permit issued by the board containing the following:

- (1) Negative tuberculosis test within thirty days of importation into the state, with mammalian tuberculin used in testing.

- (2) Negative hepatitis A test.
 - (3) Fecal sample tested negative for parasites, shigella, and salmonella.
 - (4) Statement that a primate has not shown signs of or been exposed to infectious disease in the last one hundred eighty days.
 - e. Requirements for maintaining a primate after importation:
 - (1) Negative tuberculosis test prior to renewal of license.
 - (2) Negative tuberculosis test within thirty days of change of ownership.
7. Nondomestic sheep and hybrids and nondomestic goats and hybrids:
- a. Fencing requirements for nondomestic sheep and hybrids and nondomestic goats and hybrids:
 - (1) Fencing must be at least eight feet high and made of twelve-gauge or heavier woven wire, or other material of similar strength.
 - (2) The bottom of the fence must be at or below ground level.
 - (3) All gates in the perimeter fence must be locked and there must not be more than six inches below or between gates.
 - (4) A handling and holding facility, adequate to handle wild sheep or goats, or both, must be in place.
 - b. Import requirements for nondomestic sheep and hybrids and nondomestic goats and hybrids in addition to those listed in section 48-12-01-04:
 - (1) A health certificate and import permit from the board.
 - (2) Official identification approved by the state veterinarian.
 - (3) Negative tuberculosis test within thirty days.
 - (4) Negative test for *Brucella ovis* by an official test approved by the state veterinarian within thirty days.
 - (5) Negative test for *Brucella abortus* by two different official tests approved by the state veterinarian within thirty days.

- (6) Animals must be free of any signs of infectious footrot by an accredited veterinarian and a statement to that effect must be listed on the health certificate.
- (7) Animals must be free of any signs of scrapie by an accredited veterinarian. A statement signed by the consignor must state that there had not been a case of scrapie in the flock of origin in the last five years.
- (8) Special permission must be obtained from the board to possess nondomestic sheep and hybrids and nondomestic goats and hybrids south and west of the Missouri River.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

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